

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

U.S. DIST. COURT EAST DIST. WISC.	
FILED	
JUL - 1 2005	
AT	O'CLOCK
SOFRON B. NEDILSKY	

KAREEM CURRY,

Petitioner,

v.

Case No. 05-C-292

STATE OF WISCONSIN,

Respondent.

RECOMMENDATION AND ORDER

Kareem Curry ("Curry") is a prisoner incarcerated pursuant to a Wisconsin state court judgment. Curry seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and has filed a motion to proceed in forma pauperis and a motion for the appointment of counsel. Under Rule 4 Rule of the Rules Governing Section 2254 Cases, the district court must make a preliminary examination of the petition. If the court finds that "it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in district court, the judge shall make an order for its summary dismissal." Rule 4, Rules Governing Section 2254 Cases. The case was randomly assigned to this court for processing. Since this court has concluded that Curry is not entitled to relief in the present case, where the parties have not consented to this court's jurisdiction, the court will recommend dismissal to the district judge.

In the present case, Curry failed to complete the portion of the pro se habeas corpus form that requires petitioners to state their grounds for relief. (Pet. ¶ 22.). Accordingly, the court will recommend that the petition be denied and this case dismissed. Curry's motion to proceed in forma

Copy mailed to attorneys for  
parties by the Court pursuant  
to Rule 77 (d) Federal Rules of  
Civil Procedure.

pauperis and motion for the appointment of counsel are therefore moot and will be denied as such. If the district judge disagrees with this court's recommendation and allows the case to proceed, Curry may re-file both motions at that time.

**IT IS THEREFORE RECOMMENDED** that Curry's § 2254 petition for a writ of habeas corpus be **denied** and this case **dismissed**.

**IT IS THEREFORE ORDERED** that Curry's motion to proceed in forma pauperis is **denied** as moot.

**IT IS THEREFORE ORDERED** that Curry's motion for the appointment of counsel is **denied** as moot.

Your attention is directed to 28 U.S.C. § 636(b)(1)(B) and (C) and General Local Rule 72.3 (E.D. Wis.), whereby written objections to any recommendation herein or part thereof may be filed within ten days of service of this recommendation. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Courtesy paper copies of any objections shall be sent directly to the chambers of the district judge assigned to the case. Failure to file a timely objection with the district court shall result in a waiver of your right to appeal.

Dated at Milwaukee, Wisconsin, this 1<sup>st</sup> day of July, 2005.

  
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AARON E. GOODSTEIN  
United States Magistrate Judge